

A
Miscellaneous Essay
Concerning the Courses pursued by
GREAT BRITAIN
In the Affairs of her
COLONIES:

With some OBSERVATIONS on the
Great Importance of our
SETTLEMENTS in AMERICA,
AND
The TRADE thereof.

LONDON:

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MDCCLV.

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Macchiarone Essay

Concerning the Court of Justice

GREAT BRITAIN

In the Year of her

COLONIES

With some Observations on the
Great Importance of our

SETTLEMENTS in AMERICA

AND

The TRADE thereof.

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[This is the first Edition.]

TO THE

R E A D E R.

THE first Settlement of most of our Colonies in *America* was made by private Adventurers, who, finding their Undertakings too expensive and unwieldy, abandoned or dropt the same; and so most of them reverted back again into the Hands of the Crown.

The laudable Genius of our Merchants, in generously encourag-
B ing

ing new Settlers and Settlements, in supplying them with all Necessaries, and, at their own Risque, introducing Trade and Commerce amongst them, were other great Means, and very effectual in extending the Settlement of the said Colonies.

The unhappy Divisions, both in Religion and Politicks, which subsisted in the Reigns of King CHARLES the First and Second, have been another Cause of the Increase of our Settlements; but there is still another Cause, which has greatly contributed thereto, namely, the severe Persecution of the Protestants in some Provinces of

of *Germany*, especially the Palatinate and Bishoprick of *Saltsburgh*, which Persecution forced a vast Number of Protestants to abandon their native Countries, and afterwards embark for *America*. But as many Acts of Fraud and Oppression have been committed in those Colonies which are more immediately dependant on the Crown, in the Manner of issuing Warrants and Grants for Lands, and that poor Settlers have been often injured and oppressed thereby, to the Discouragement of many others, who would have followed them ; such as have transported themselves have mostly resorted to *Pensylvania*, the

Laws there being wisely enacted, and for the most Part justly executed, without any Partiality, as is too often practised in other Colonies, to the visible Prejudice of the Trade of this Kingdom, and the Settlement of its distant Colonies.

The Number of said foreign Protestants so transported and settled in *Pensylvania* only, since the Year 1728 until 1751, doth, at a moderate Computation, amount to 80,000 Persons and upwards, besides many Thousands who have settled in the *Jerseys*, *New York*, *New England*, &c. Which Number, considering the manifold

fold Difficulties and Expence to which those poor People were put, in coming from *Germany* to *Holland*, and afterwards transporting themselves to *America*, is much greater than could have been reasonably expected. However, the Desire they had of enjoying the free Exercise of their Religion, and reaping the full Benefit or Advantage of their Labour and Industry, was so ardent and prevalent, that if they had been treated with Justice and Humanity in those Colonies which more immediately depend on the Crown, and that it had been thought agreeable to the Wisdom of this Government, to have given
a general

a general and publick Encouragement to the said Protestant Refugees, in assisting them in the Payment of their Passages, and in granting them Lands on Military Tenures behind our present Settlements, they would have become an useful Frontier for the Protection of all our Colonies; and during the Course of the last twenty Years there might have been at least ten Times as great a Number transported to *America*, which, by establishing a Land-bank under proper Regulations, would not have cost 240,000 *l.* Sterling to the Publick.

This

This was a very favourable Opportunity, and a happy Event, which no Nation, except *England*, ever met with, in having the Power to raise a great and powerful Empire in *America*, without draining the Country of its useful Subjects.

And the Disposition of the *Indian* Nations, or Tribes of *Indians*, would likewise have favoured our Views and Designs in this Particular ; for had we improved the Advantage offered to us, and erected Forts for the Security of our friendly *Indians*, and for the Enlargement of our Trade

Trade with them, particularly near to the Five *Indian* Nations, to the *Upper Cherokeees*, and to the *Creek Indian* Settlements, we must at all Times have had it in our Power to protect our Trade with the *Indian* Nations, and in a great Measure secured our Frontier Settlements from any Incroachments of the *French*, or their friendly *Indians*. However, these and many other Mistakes we have fallen into, arise from the Want of a regular invariable Plan of acting in our *American* Concerns, and from the Want of a proper System in the Offices in *America*, and also from our not having any Fund particularly applicable

plicable or appropriated to the Uses of our Colonies, in Respect to which there is the most urgent, most pressing Necessity to take the said Matters into Consideration; and, as humbly conceived, the Aid of the Legislature will be further necessary, to carry those Matters into Execution, so as to have their desired Effect.

These are the Motives which have induced me humbly to offer my Thoughts to the Publick on this Subject: But, as in treating of the Offices many Persons are apt to put wrong Constructions, and not only so, but to apply what is said of the Offices to

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those

those who preside in them, I take this Opportunity most solemnly to declare, That in the whole Course of the following Essay, I have not written any Thing with the least View or Intention to reflect on those who preside in the great Offices; but, on the contrary, my principal Aim and Intention is to shew that in all well-regulated Governments there ought to be fixt and certain Measures which are not to be departed from, and that the Order and Subserviency of the Parts of all lesser Systems ought to concur to the Good of the general System, or else every Thing must run into Anarchy and Confusion.

Those

Those who preside in the great Offices may, in some Degree, be compared to the Commander of a Ship of War, who, altho' possessed of all the Qualifications necessary for the King's Service, yet may be so circumstanced, from the Defects or ill Qualities of his Ship, as not to be able to carry Sail when a Storm arises upon a Lee Shore, or to protect his Ship from sinking, by the Defects or Rottenness, which, thro' Time, have crept into the Bottom.

In like Manner, even great and good Men are often subject to

C 2 Surprise,

Surprise, when the Offices are not so formed, as to open every Matter of Consequence to their View: From which Cause, they are frequently under a Necessity of regulating their Conduct by private and often partial Informations.

I therefore humbly hope, that the Freedom with which I treat this Subject will not be imputed to me as a Crime, and that the Publick will give all due Attention to such Matters as may be thought worthy of their Consideration.

A N
E S S A Y
O N O U R

Course of Proceeding in the Affairs
of our COLONIES, &c.

THE Constitutions of this
Kingdom and of *France*
do (very much to our Advantage
and Happiness) differ in many
Respects, more especially with
Regard to the Security of our
Lives

Lives and private Properties; but yet, in the Constitution of the French Offices, particularly as the same relate to *America*, there is a Spirit of Liberty runs through the whole of them, and they are so excellently well contrived and calculated for the Improvement of their Trade, and Enlargement of their distant Colonies and Possessions, that an Improvement (altho' from a foreign Stock) may be very properly engrafted into our System; nor is there any great Difficulty in so doing, as the Regulations they have made are no more the natural Result of their Constitution, than of ours; and altho' some small Alterations may

may be necessary, the principal Object in View is, so to regulate our Offices in *America*, as to have a mutual Relation or Dependence upon the general System, or Plan of Government established here; and the Want of attending to this in the first Model or Frame of Government established in our Colonies, has been one great Means or Cause of the many Disputes which have arisen in the Colonies, and of the Incroachments which have been often made on the Prerogative of the Crown, and also in many Respects upon the Rights and Properties of the Subject.

The

The unwarrantable Constructions which some of the Colonies have put on the Charters granted them by the Crown, are altogether inconsistent with that Dependance which they owe to their Mother-Country; for although the said Charters intitle them to make Bye-Laws, for the better ordering their own Domestic Affairs, yet they do not, nor cannot, intitle them to make Laws which may have a general Effect, either in obstructing the Trade of this Kingdom, or in laying Restraints and Difficulties on the neighbouring Colonies: For as their Power in a Legislative Capacity doth
originally

originally flow from the Crown, under certain Limitations and Restrictions, particularly in not passing any Laws but such as are consistent with the Constitution and Laws of this Kingdom, so the Fitness and Expediency of such Laws are only cognizable and determinable by his Majesty or by the Legislature in this Kingdom, as it is conceived that they cannot be proper Judges in their own Case ; yet to such Excess have they proceeded in some of the Charter Governments, namely, in *Rhode Island* and *Connecticut*, as to enact Laws that no Law shall take Effect in their Colonies, unless it is first authenticated or

D enacted

enacted into a Law by them ; and some of them have made themselves Judges of the Fitness and Expediency of their own Laws, by not transmitting them to the proper Boards at Home.

The said Colonies ought to meet with all proper Encouragement, and to have their Rights and Properties entirely preserved to them ; but then it is to be considered, that there is a publick as well as private Liberty, that all Advantages arising from the Colonies to this Kingdom principally consist in their mutual Relation and Dependance, and that their separate Interests would
 clash

clash one with the other, provided they were permitted to exercise any Power which may be contrary to the true Interest of their Mother-Country, or of his Majesty's other Colonies dependant thereon.

And as it relates to those Colonies who are more immediately dependant on the Crown, his Majesty's Orders or Instructions are intended as the sole Guide and Measure of the Governor's Conduct, and ought not to be in the least departed from. But Experience hath shewn, and the very Nature of the Thing supposes it, that where there are no

Penalties inflicted on Breach of his Majesty's Orders and Instructions, the End of Government in distant Colonies cannot be attained ; for unless there be some certain Rules established whereby every Thing done in Behalf of the Crown, or of the Publick, may be depended upon, and that those in Office have it not in their Power, under various and colourable Pretences, to take such Measures as to render every Thing done by them precarious and uncertain, it must, from the very Nature of the Thing, open a Door to many Incroachments upon the Crown, and Acts of Oppression upon the Subject.

If

If the Instructions of the Crown be such, that the Nature, Change, or present Circumstances of Affairs in the said Colonies put the Governors under any Necessity of varying from the said Instructions, that is a good Reason why the said Governors should represent their Difficulties in a proper Manner to the Crown, and humbly propose the Remedy, and such further Directions as the Nature of the Case or Emergency of the Affair may require ; but the said Governors ought not, in any Event whatsoever, to depart from the Royal Orders and Instructions of the Crown, as the Delay which may be thereby occasioned cannot be
put

put in Competition with the Train of evil Consequences and bad Effects, which must naturally or consequentially arise from the breaking in upon those Guards and Provisions which the Crown has wisely constituted for the Safety of the Subjects, and good Government of the said Colonies.

Colourable Pretences and Pleas of Necessity are never wanting, particularly at so great a Distance, to palliate or conceal the most cruel Acts of Violence and Rapine, which can only be prevented by preserving one regular uniform Course of acting thro' all the Offices in *America*, and also
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by an invariable established Rule of acting in our Council or Board of Trade, as Informations in any other Shape cannot be relied upon.

And therefore, as is humbly conceived, it may be of great Use to the Publick to take a View of the usual Course of Proceeding in Committees of Council, before the constituting of a Council or Board of Trade in 1696, and of several other Regulations with respect to our Colonies.

In 1666 King CHARLES the Second past an Order for establishing a future Regulation of Committees

mittees of his Privy Council, and, amongst the rest, a Committee for the Business of Trade, under whose Consideration was to come whatsoever concerned his Majesty's foreign Plantations, and also what related to his Kingdoms of *Scotland* or *Ireland*, in such Matters only relating to either of those Kingdoms as properly belonged to the Cognizance of the Council Board; the Isles of *Guernsey* and *Jersey*: which was to consist of the Lord Privy Seal, Duke of *Bucks*, &c.

And, for the better carrying on the Business of the said Committees, and of the several other
Com-

Committees then appointed, his Majesty thought fit to direct, that such Committees do make their Reports in Writing, to be offered to his Majesty next Council Day following, in which, if ever any Debate arose, the youngest Counsellor to begin, and not to speak a second Time without Leave first obtained: And that, as on one Side nothing is to be hereafter resolved in Council, till the Matter hath been examined, and received the Opinion of some Committee or other; so, on the other Hand, that nothing be referred to any Committee until it hath been first read at the Board, excepting foreign Affairs; with

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this Explanation, that upon reading Petitions at the Board, where there is an unanimous Consent to grant or reject, such Petitions are to be dispatched as formerly, and only such Petitions referred to the respective Committees wherein any Difficulty, Cause of Examination, or Diversity of Opinion, may arise: And his Majesty thought fit to direct, that no Order of Council should be issued by the Clerk of the Council, until the same was perused by the Reporter of each Committee respectively.

The above Order in Council was in many Respects wisely calculated to bring every Matter of
 Impor-

Importance, and of a mixt Nature, to the View of the Crown; and the Appointment of Committees for the Dispatch of different Kinds of Business was likewise of Use, as the Lords of the Committee, by giving their constant Attendance, might be thereby better informed of the Nature of the Business brought before them.

At

*At the Court at Whitehall, the
27th of January, 1681.*

P R E S E N T

*The King's Most Excellent Majesty
in Council.*

IT was this Day ordered by
his Majesty in Council, That all
the Lords of his Majesty's Most
Honourable Privy Council be, and
they are appointed to be, a stand-
ing Committee of this Board for
Trade and Foreign Plantations.

The above Order of the 27th
of January, 1681, which was
pre-

previous to the constituting a Council or Board of Trade continued in Force until *May*, 1696; but, as is conceived, was not renewed until the 1st of *October*, 1714.

In 1695, several Members of the Honourable the House of Commons were for establishing a Board of Commerce, and also for appointing Commissioners for Trade and Plantation. But this was objected to by others as an Incroachment on the Rights of the Crown. However, all agreed as to the Use and Necessity of appointing such a Board.

And

And, agreeable thereto, his late Majesty King WILLIAM the Third constituted a Council or Board of Trade, in *May* or *June* 1696, and appointed the following Persons as Ordinary and Extraordinary Members of the said Board, *viz.*

The Lord Keeper of the Great Seal, or Chancellor; the President of the Privy Council; the first Commissioner of the Treasury, or Lord Treasurer; the first Commissioner of the Admiralty, or Lord Admiral; the two principal Secretaries of State, and the Chancellor of the Exchequer; together with the Earls of *Bridgwater* and
Tanker-

Tankerville, Sir Philip Meadhouse, William Blaitbwait, John Pollexfen, John Locke, Abraham Hill, and John Meathwen, Esqs. were declared his Majesty's Commissioners for encouraging, improving and protecting the Trade, Plantations, Manufactories, and Fishery of this Kingdom.

And, in Pursuance thereof, the 7th of *July*, 1696, their Excellencies the Lords Justices in Council ordered, That the Books and Papers of Business in the Plantation Office, relating to the Committee of Trade and Plantation, then in the Custody of *Mr. Povey*, be by him delivered over to *Mr. Popple*,

Popple, Secretary to the Council of Trade, by List or Schedule, to be signed by the said Secretary ; and that all Matters which were depending before the Committee of Trade and Plantation, by Order of Reference from that Board, be, as they are thereby, referred to the said Council of Trade.

The above Order of Council, as is humbly conceived, evidently shews, that the Council or Board of Trade was intended to act in the Place of Committees of Council, and that the Reports of the said Board were to be immediately carried to his Majesty in Council,

Council, and (as is most humbly conceived) if any Matter of Doubt arose in Council concerning the same, the said Report was to be referred back to the Council of Trade, at which Board the extraordinary Members might take their Place, in order to consult what was fit to be done. In which there was much Safety, as all the Papers and Records relative to the Affairs of the Colonies are supposed to center in the said Office.

The appointing of the Right Hon. the Lords of the Cabinet Council to be Extraordinary Members of the Board of Trade, seems

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likewise to have been calculated to answer many other valuable Ends and Purposes ; for as the said Council, or Board of Trade, was intended as the only Channel of Information to the Crown, in all Matters which related to our Plantations, Trade, and Commerce ; and also, as they were to report to the Crown, once in every Year, the Course or Proceeding of all the Officers employed in the Service of the Crown in *America* ; it became thereby highly necessary to have the great Officers, who preside at the other great Boards at Home, at least virtually present at the Board of Trade, when they took Cogni-
fance

fance of such Matters as were transacted by their Officers. Which Regulation freed the Council of Trade from all Restraint in their Reports: And in this happy State of Things the meanest of the Officers employed in *America* might look upon themselves as under the immediate View and Protection of the Crown, and not under the Tyranny and Oppression of any Officer who acts in a higher Sphere.

The said Council or Board of Trade was likewise, by their Constitution, to examine the municipal Laws and Records of all the said Colonies, and to report

to the Crown, once in every Year, a full and true State of all the said Colonies. And it is also very observable, that the Reports of the said Board were often brought before the House of Commons, without any particular Application by the Members of the House on that Head. But those particular Institutions (whereon the Usefulness of the Board principally depends) have been too often omitted, although for the first twelve Years after the Constituting of the said Board those Matters were carefully attended to.

His Majesty's Instructions to the Governors of the Colonies
more

more immediately dependant on the Crown are prepared by the Board of Trade, and when approved of by his Majesty in Council ought to be considered as a Direction, or indeed a Law, to the Governors, by which they are to regulate their Conduct; and although the said Instructions are not to be considered in all Cases as obligatory or binding on the Subject, yet the least Deviation from them in the Governors opens a Door for all manner of Fraud and Incroachments, both upon the Crown and upon his Majesty's Subjects in the Colonies; for when such Deviations are admitted, and plausible Pleas allowed

allowed in Excuse for their Conduct, there cannot (as will more fully appear in the Prosecution of this Essay) be any reasonable Hopes of Redress, especially as the Delay and Expence, which usually attend Petitions of Complaint, make it impossible for many Persons to bring their Case before the Crown.

But to guard against those Difficulties and Inconveniences, and to protect the Subjects Abroad from all unwarrantable Acts of Power from the Governors, Chief Justices, or any of the other Officers of the Crown, the Secretary's Office in the Plantations
was,

was, in all its several Branches, as Clerk of the Council, Clerk of the Assembly, &c. originally intended as an Office of Record, and all Business transacted by his Majesty's Governors, either in a ministerial or judicial Capacity, or as Ordinary in granting Probates of Wills, or Administrations, &c. were intended to be entered at large in the said Council Journals; and so not only remain in the Colonies as a Record for the Safety and Benefit of the Subject, but Copies thereof were also to be transmitted to his Majesty's Secretary of State and Council of Trade.

And

And as his Majesty's Governors are considered to have a Superintendency and great Influence over all the Officers within their respective Governments, if any of his Majesty's Subjects there apprehended themselves to be aggrieved by any Person in Power, they were deemed to have a Right to lay their Grievances before the Governor and Council, and to examine all such Evidences as they could produce in Support of their Charge, so as to make the same Matter of Record.

And, as is above observed, those Records being transmitted Home,
by

by the proper Officers, gave the Lords of Trade a full Insight into the Course and Proceedings of the Officers employed by the Crown, and into the Affairs of the Colonies ; so as to enable their Lordships to recommend those Officers to the Crown, who had behaved properly in the Discharge of the Trust reposed in them, and to dismiss and punish such as had deviated from their Duty. And to this End our Council of Trade was impowered to nominate Governors and other Officers to the Crown.

In relation to which I pray
Leave to observe, that however

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great, however good, or well qualified those great Personages may be, who have the Direction of the Affairs of our Plantations, and of our Trade and Commerce, yet if the Order of the Offices be inverted, and they be thereby under a Necessity to depend upon private, and often partial, Information, they will be often led into Mistakes ; even so as to withdraw their Protection from those who have acted agreeable to their Duty, and to support others who in many Respects have deviated from their Duty to the King, and at the same Time committed many Acts of Oppression against the Subject.

I shall

I shall pray Leave further to observe, that altho' there appears great Wisdom and Knowledge in the framing of the above Constitutions (which is said to have been done by Lord *Sommers* and Mr. *Locke*) and also that there was an Act passed, the 12th of King WILLIAM the Third, intituled, *An Act for the Punishment of Governors in the Plantations*; yet there was still something wanting, which has been the Means of destroying the End and Design of the said Institutions: For the Records in the Colonies, tho' well intended, were never properly regulated; and consequently there was an

Opening left for Deceit on the Boards at Home ; and as the Basis or Foundation of all Systems ought not to be departed from, so likewise, the above Institutions being the very Hinges upon which the Government and Safety of his Majesty's Subjects in the Colonies principally depend, there was, as is most humbly conceived, the greatest Necessity for the Aid of the Legislature in establishing the said Institutions by Law, with Penalties on such as deviated from them: And from this there could not any Danger arise, as it related either to the Prerogative of the Crown, or the Safety of the Subject ; but
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in all Respects it would have had the contrary Effect, in keeping the Crown from Surprise, in having the Orders of the Crown duly executed, and in freeing the Subject from many Acts of Oppression; and if those in Trust and Power in the Colonies deviated from their Duty, the Subject, if injured, could lay his Grievances before the Crown, without being liable to any great Delay and Expence therein.

And there is the greater Reason for this Course of Proceeding, as the Crown has not thought fit, usually, to admit of Appeals for any Sum less than 300 *l.* Sterl.
but

but in the other Course of Proceeding, if a poor Planter was defrauded of Three Hundred Pence, by the Governor or Chief Justices not allowing him the Liberty to proceed by due Course of Law (which hath been often done, both by the Governors and Chief Justices, and of which there are Instances upon Record) such Persons might bring their Case before the Boards at Home, by the Journals of Council transmitted thither from the Colonies.

And it is also proper to observe, that, as it relates to *America*, our Council-board are in many Respects to be considered as a Sovereign

reign Court; therefore if they are, by wrong Informations, led into Mistakes, the Subject may be barred from all Relief, as the Courts in *America* are not so constituted, as to intitle them to take Cognifance of any Matter which hath undergone the Consideration of the Council-board.

The great Excellency and Efficacy of the *French* Institutions, in their Board of Commerce, arise principally from their not being at Liberty to dispense with the Rules and Ordinances of the King; which frees them from many irregular Solicitations: And, in like Manner, that the Governors,

nors, Surintendants, &c. are liable to Penalties, if they deviate from the Orders of the Crown.

But, by the Constitution of this Kingdom, the Instructions and Orders of the Crown have not that Force and Effect on the Governors, and other Officers of the Crown, which the Nature of the Case requires: And if they, even our Council or Board of Trade, are at Liberty to vary from the Standard of Action, or from the King's Pleasure signified to them by their Constitution, there will arise a continual Clashing of Interests; the Usefulness of the Colonies, with respect to
their

their Trade and Commerce, will be in a great Measure lessened thereby, and alternately both the Rights of the Crown, and the Liberties and Properties of the Subject, invaded; and that too, in many Cases, without a Possibility of Redress: And indeed it is not possible, with the greatest human Foresight and Knowledge of Business, in our Council of Trade, to carry the Orders and Instructions of the Crown into due Execution, or effectually to improve or extend our Colonies in *America*, otherwise than by having all the Records of the Colonies duly formed and transmitted to them, and by being entirely free

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and independant in their own Sphere of Action.

However, there is nothing proposed on this Head, which can possibly restrain the Crown in the Exercise of its own Prerogative; for, as is above observed, the Strengthening the Hands of the Crown, so as to guard against Incroachments, cannot delay or impede the due Course of Business; neither can the Governors being under a Necessity to have all Acts done by them, in relation to the publick Concerns of their Colony, entered in the Journals of Council, in the least obstruct the Business of the Crown; nor, lastly,

lastly, can our Council of Trade's reporting to the Crown the State and Condition of the Colonies, and the Course of the Officers employed therein, have any ill Effect; but, on the contrary, the enforcing of those Duties by the Authority of Law will give Strength and Vigour to the Colonies, and protect his Majesty's Subjects, without the least Incroachments on their Rights and Privileges, which have been often invaded by a dispensing Power, which includes all other Powers whatsoever.

The Opposition which was given to those employed in the

Administration of publick Affairs, in the latter End of Queen ANNE's Reign, and the Struggles for Power, which then subsisted, did, in a great Measure, take off the Attention of the Ministry from the Concerns of *America*. From which Cause the Reports of the Board of Trade were often silenced, and lay in the Secretary's Office, without any Notice taken of them.—Whereupon the said Board did not, as formerly, report annually to the Crown a State of the Colonies, with respect to their Government and Trade, and the Proceedings of the Officers employed therein; so that, from this Omission, such

Persons

Persons as had any Concerns depending, in relation to *America*, began to apply to the Council-board, or to the Treasury or Admiralty, as the Nature of the Business might require.

The Course of Business, in relation to our *American* Concerns, being thus altered, Committees of Council were again renewed, by the following Order in Council, *viz.*

At

*At the Court at St. James's, the
1st of October, 1714.*

P R E S E N T

*The King's Most Excellent Majesty
in Council.*

IT is this Day ordered, by
his Majesty in Council, That the
whole Privy-Council, or any three
or more of them, be, and are
hereby appointed to be, a Com-
mittee for the Affairs of *Guernsey*
and *Jersey*, hearing of Appeals
from the *Plantations*, and other
Matters that shall be referred to
them : And that they proceed to
hear and examine such Causes as
have

have been referred to Committees of Council by her late Majesty, and report the same, with their Opinion thereupon, to this Board.

In relation to which, I most humbly pray Leave to observe, that the Actions of the greatest, the wisest, and the best of Men, are formed agreeable to their Informations, and that what may appear extremely wise and prudent, and in all Respects well calculated to guard the Crown from Surprize, and the Subject from Injury, may yet have a different Tendency, as it relates to our distant Settlements; for without Unity of Design, and also a mutual

mutual Relation between the Systems observed Abroad and at Home, and likewise that there be an uniform Course of Proceeding (as is conceived) it is impossible to prevent the Affairs of *America* from running into Confusion, or to free the Crown from Surprize. For if a Tube or Perspective had several Passages before it came to its extreme Point, no Object could be thereby represented in a true Light.

The Wisdom and Justice of the great Personages, that either have been, or now are, concerned in the said Boards, leave us not the least Doubt of their
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having determined all Matters which came before them, agreeable to the Principles of Law and Justice ; but then their Conduct, in Respect to such Matters as came under their Consideration from our distant Colonies, must, in a great Measure, depend upon the Evidence brought before them, and likewise on the Course of Proceedings in *America* ; so that if, by great Delay and Expence, the Subject is barred from Relief, they are often as unhappy as if they had not any Appeal to the Crown : Nor can this be redressed in any other Manner than by the Aid of Parliament, in establishing an invariable

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riable Rule of Proceeding in Relation to the Records, and also in Relation to our Council or Board of Trade's reporting to the Crown, once in every Year, a State of the Government and Trade of the Colonies, and also the Course of Proceeding of the Officers employed therein; which would be a great Incitement to the Officers of the Crown to act agreeably to their Duty. For as the Supreme Being is the first Spring and Author of all that is virtuous or good, as in the Dispensation of his Providence in the Moral World he hath annexed Rewards to incite his Creatures to the Performance of their Duty,

Duty, and Punishments to deter others ; so Princes, as his Vicegerents, are to be looked upon as Instruments in his Hands, not only to protect the Innocent and reward the Virtuous, but to punish such as act contrary to their Duty. And in this Light the Sovereign is to be considered as the Centre, to which all Persons employed in Publick Affairs, and all Matters relative to the Offices, ought ultimately to resort ; for, as is humbly conceived, it is impossible for the Sovereign, or for those employed in the Administration, to protect his Majesty's Subjects Abroad, otherwise than by keeping the Offices uniform,

entire and open ; and, in order thereto, by inflicting Penalties on such as act contrary to their Duty.

Having endeavoured to demonstrate that the present System of our Offices doth not, or indeed cannot, effectually restrain those who are intrusted with the Government of his Majesty's Colonies, and that, in Consequence thereof, the Subject may be greatly injured, without the Possibility of Relief, and also that, without a regular and fixt Method of Proceeding, the Crown cannot protect or extend our Trade and Commerce, or in many other
Respects

Respects exercise its own Privileges ;

It seems also proper, in this Place, to shew the Methods which have been taken by several Governors in our Colonies to evade his Majesty's Instructions, and also to conceal many Acts of Power and Oppression, which I shall but barely hint at ; for a particular Detail of their Proceedings would not come within the Compass of this Essay, viz.

Such Governors as have laid Schemes to act contrary to his Majesty's Instructions, do many Acts

Acts of Government without the Privy or Advice of their Council, and consequently no Entry thereof is made; and, at other Times, when Matters have been determined in Council, by the Governor's great Influence at the Board, and over the Clerk of the Council, such Matters as were then under Consideration have been very imperfectly entered, and in some Cases wholly omitted; and when they have not used the said Precaution, and Petitions of Complaint have been preferred to his Majesty against them, they, under frivolous Pretences, keep back the Records, and

and do not transmit them to the proper Boards at Home.

And such Governors have frequently formed Connections with particular Parties or Factions in the Assemblies, and so pass Laws for the emitting of Paper-bills of Credit, as well as several other kinds of Laws, suited to their private Views and Interests, without inserting a suspending Clause, so as to give those who think themselves injured thereby an Opportunity of laying their Grievances before the Crown, previous to the said Laws being carried into Execution.

And

And the said Governors have likewise, in several Cases, dispossessed the Grantees of the Crown of their Lands, without any legal Trial or Process thereon ; and, in several Instances, in more Colonies than one, they have issued blank Patents or Grants for Lands, and afterwards affixed the Seal of the Colony thereto, and put them into private Hands to be disposed of, which hath introduced the utmost Confusion in some of the Colonies ; for when blank Patents or Grants are so issued, it is in the Power of such as hold them, by antedating the same, to claim the Property of others, and to occasion

caſion ſuch mixt Claims and Confuſion in Property, as to put it entirely out of the Power of any Court of Law to judge of and determine the Right and Property of the Subject; and then, of courſe, every Thing muſt be arbitrarily decided by Acts of Power and Violence.

But as I have mentioned the Tyranny and Oppreſſion of ſome Governors, I ſhall, in Juſtice to the Character of others, mention, that there have been many Governors, who have acted with great Honour in Diſcharge of the Truſt repoſed in them by the Crown. Yet even ſome of them

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have

have been much disturbed by the Jealousies the People entertained of their Governors; which arises from the Abuse of Power, which has been too frequently put in Practice in the Colonies.

But, in all Cases of Oppression, the only Remedy left to the Subject when aggrieved, is, to petition his Majesty for a Commission to examine Witnesses or Evidences Abroad; which, in some Cases cannot be granted, provided the Records are defective; for if the Subject prays his Majesty to grant a Commission to examine Evidences Abroad, part of the Matters
com-

complained of ought to be supported by proper Evidences, previous to the issuing of the said Commission. But even admitting such Commissions are obtained, the Governors have, in the Plenitude of their Power, a thousand Ways to silence or defeat the Intention of the Crown and the Parties concerned in the said Inquiry, by the Influence they have over those who are generally appointed to examine Evidences Abroad; by the Influence they have over the Secretaries and Clerks of the Council, and also by the Terror and Dread many Persons are liable to, in appearing against the Governor in

any Matter which may draw his
 Resentment upon them.

The Acts of Power, and even
 arbitrary Conduct, which have
 been sometimes exerted, in his
 Majesty's Colonies, can scarce
 gain Credit from Gentlemen who
 enjoy the Blessing of a regular Go-
 vernment at Home; but if those
 who have the Power to redress,
 will be at the Trouble to look in-
 to the Complaints which have
 been often made against his
 Majesty's Governors and other
 Officers employed in the Colo-
 nies, and also into the Proofs sent
 Home in Support of the said
 Complaints, they will find most
 clear

clear and evident Proof, that all that has been above hinted at is founded in Truth, and that it is the Want of System in the Conduct of our Affairs, which is the Bane and Ruin of our *American* Colonies, and must in the End prove destructive to our Trade and Commerce.

But the more fully and clearly to illustrate this Matter, I shall pray Leave to refer to the Dates of several Complaints which have been brought to our Council-board.

The 30th of *December*, 1708,
the Petition of Colonel *Sharpe*,
and

and others of the Council of *Barbadoes*, against the Governor of that Island, for turning out most of the Officers of the Militia ; for rejecting the Advice of the Council ; for adjourning the Council, and letting the Assembly fit and dispose of the publick Money without the Consent of the Council ; for determining Causes himself cognizable only in the established Courts ; and for imprisoning and oppressing his Majesty's Subjects, contrary to Law.

Sundry Complaints of the 12th of *March*, 1718, 25th of *June*, 1719, and 11th of *May*, 1720, complaining of many Acts of Male-
Ad-

Administration, and even Tyranny and Oppression, against Mr. *Lowther*, Governor of *Barbadoes*; from which Period of Time until 1734, follow several other Complaints against the Governors of different Colonies; but as most of them were not of any great Moment, I shall not mention them here.

The 12th of *February*, 1734, *Hume* and *Whitaker* complain against the Governor of *South Carolina*, for acting contrary to his Majesty's Instructions, and, in many Respects, contrary to Law and Justice.

The

The 7th of *November*, 1735, *Morris*, Chief Justice of *New York*, in like manner complains of the Governor of that Province, for doing many Acts of a very unusual and extraordinary Nature.

The 15th of *July*, 1736, *Jackson*, the Collector of the *Bahamas*, complains of the Governor of the said Province's Tyranny and Oppression, and of many Acts of Power which can be scarce paralleled.

In 1736, the Assembly of *North Carolina* against the Governor of that Place.

In

In 1738, the House of Representatives of *New Hampshire* against their Governor.

In 1746, the Representation of five of the Northern Counties of *North Carolina* against the Governor ; with another Memorial relative to the said Governor's Conduct presented to the Lords of Trade in *February*, 1748.

In relation to which it is proper to observe, that in all the above Cases Commissions were granted to examine Evidences in Support of the said Complaints ; and altho' there were many Things proved of a very extraordinary
L Nature,

Nature, and indeed some of them shocking to be mentioned, yet the Delay and Expence attending the said Examinations, the Evidences procured by the Governors to invalidate the Complainants' Evidences, and the great Expences attending Solicitations of this Nature at Home, have, for the most Part, tired the Patience of the Complainants, and put them into a worse Condition than before they applied for Relief; so that those kind of Convulsions, which have at different Periods of Time happened in several of the Colonies, make the People, as they judge only by the Surface or outward Appearance of Things, uneasy,

uneasy, and so think themselves unhappy under the Government of the best of Kings, and too often prompt them to act in Opposition to his Majesty's Measures, or to whatever else may be wisely proposed for the Benefit of the Publick. But it is not possible to draw Order out of Confusion; the Colonies being so circumstanced, nothing can, with any reasonable Hopes of Success, be proposed for their Advantage, or for keeping the *Indian* Nations in our Interest, without instituting a regular invariable Plan of Action; which, as is most humbly conceived, ought to be as soon as possible attended to, as

our publick Concerns, in many other Respects, suffer greatly from the Want thereof, *viz.*

The Incroachments of the *Spanish Guardes de Coste* hath been principally owing to the Want of System in the Conduct of our Affairs, and also to the Want of a Fund applicable to the Uses of *America*, which would have enabled us to check their Insolence; for if our Governors had been impowered to grant private Commissions, and to employ Ships of Force, to treat those *Guardes de Coste* (who searched our Ships in the open Seas) as Pyrates, this would have been the

the Means to deter them from acting so openly, and it would have put it in our Power, either to avow or disavow the Conduct of our Governors therein, as the Nature or Circumstances of our Affairs might require, which hath always been the Conduct of *France*, in relation to the *Spanish Guardes de Coste*; and when the *Spaniards* have complained of the *French* Governors making Reprisals, or treating those Ships, to which the *Spanish* Governors had granted Commissions, as Pyrates, the Answer of the *French* hath generally been, That it was the Duty of their Governors to protect the King's Subjects; but if they found
any

any Thing blameable in their Conduct, with respect to the Subjects of *Spain*, they would grant them Satisfaction therein. However it has always happened so, that the *French* have found sufficient Cause to throw the Blame on the *Spanish* Governors and *Guardes de Coste* commissioned by them.

The having of a Fund applicable to *America* would likewise have enabled us to preserve the *Indian* Nations in our Interest, which might have been done, two or three Years ago, at one Tenth Part of the Expence which it will now cost us to regain them.

It

It is also very observable, that if we had had a Fund appropriated to the Use of *America*, that by supplying the Logwood-cutters privately with Arms, Ordinance and Ammunition, and also in a private manner have sent an Engineer amongst them, they would have been enabled thereby to protect themselves from the *Spaniards*, and we would have preserved that valuable Branch of Trade to ourselves. And in this Case we need not to have appeared to act openly against *Spain*, provided we had had a Fund applicable to the Uses of *America*, in respect to which we ought

ought to have followed the Steps of *France*, in the Settlement of St. *Domingo*; as they did not appear openly to support the *Buccaneers*, who first settled there, but only supplied them with Arms and Ammunition, until they strengthened themselves, and got Possession of a great Part of St. *Domingo*.

From all which there appears to be the greatest Necessity to establish a Fund for the Use of *America*; for admitting our Council or Board of Trade were fully apprised of the State of our Affairs in *America*, and that it would be right and prudent in them to pursue the same Measures

Measures which the *French* Board of Trade have done, yet it is not in their Power to do it, without having a Fund applicable to the Uses of *America* only; for if they apply to the Treasury, it will be at least attended with great Difficulties and Delay, before the Money wanted is obtained; and if they apply to Parliament, the Opportunity may be lost; and, in many Cases, proper Supplies may not be granted until our Affairs are brought into such a Posture, as to put us to infinite Expence to regain what we have lost by such Delays.

The Trade of our Colonies is also of very great Importance and publick Concern ; for the Dominion of the Seas, as well as the Power and Riches, or Opulency of *Great Britain* and *France*, do in a great Measure depend upon the Improvement of their respective Colonies in *America*. *England* (as is before observed) hath many Difficulties to encounter in relation to the Government of its Colonies, particularly the Charter Governments, and the Direction of their Trade, yet (as is humbly conceived) this might be redressed by the Aid of Parliament.

In

In taking a Survey of the particular Branches of Trade carried on from the Colonies, particularly in Flour and Biscuit from *Pensylvania* and *New York* to the *Dutch* and *French* Settlements, and in Corn, Flour and Biscuit to *Portugal* and *Spain*, there will be found several Things, especially in the manner of their Returns, which want to be regulated ; and likewise in the Returns made for Fish shipped from *New-England* and *Newfoundland* ; and also in restraining the illicit Trade which is now carried on from *Newfoundland* and *Rhode Island* ; which last-mentioned Place is often made use of as

a kind of Storehouse for foreign Goods, which are by them introduced into the other Colonies. But those Points do not come within the present Design of this Treatise, nor would (as is conceived) be of any Service, until some necessary Steps (previous thereto) are taken in relation to *America* ; except only as to one Particular it may not be improper to mention, that the Disputes now subsisting between his Majesty's Sugar Islands and the Northern Colonies, in relation to the Northern Colonies supplying the *French* and *Dutch* with Lumber, &c. and in Return taking from them Sugar, Molasses, &c.

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it is conceived, may be improved to the Advantage of the Publick, and equitably determined, as they relate to the said Parties.

Experience hath shewn, that it is extremely difficult to enforce the Execution of any Law made contrary to the general Bent and Disposition of the People ; but how much more so must it be to enforce a Law made here, and to be put in Execution in *America*, not only contrary to the general Bent and Disposition of the People, but likewise contrary to the very Genius and Constitution of some of their Governments ; where-

wherefore, in passing Laws of this Nature, 'tis most humbly submitted, whether it may be more proper, and better answer the End thereby proposed, so to form the Law, as that the People there should not have too great a Temptation to resist, and act contrary to it ; besides, it is worthy of Consideration, whether a total Prohibition of the said Trade and Commerce might, by lessening the Number of our Sailors, deeply affect our Navigation, and also whether such a Demand for Rum, as the said Prohibition might occasion, would not considerably advance the Price of Sugar.

On

On the other Hand, there is much to be urged in Favour of the Planters in the Sugar Islands, as they are very useful Subjects, have most of their Supplies from *Great Britain*, and also many of them spend their Estates here ; so that in many Respects they deserve great Encouragement from the Publick ; and in all Cases, wherein the Interest and Policy of this Nation will admit it, they should be supported, and have a Preference given to them in the Consumption of their Produce, which is raised by them at great Risque, Expence and Labour.

Therefore,

Therefore, to determine this Matter for the Service of the Publick, and equitably to the Parties, 'tis most humbly submitted, whether all Ships trading from the Northern Colonies to the *Dutch* or *French* Islands ought to do it by Licence, to be obtained from proper Officers appointed for that Purpose ; and that, on obtaining such Licences, the Owners of the Ships in that Trade give proper Security for the Payment of the Duties on the Rum, Molasses, &c. brought in Return for the Lumber shipped by them ; which Bonds or Securities may be discharged by proper

per Certificates of the Duties having been paid.

But in order to remove all Temptation to Fraud or Deceit on this Head, it may be proper to lower the Duty a Penny or Three Half pence *per* Gallon: And, as a great part of the Molasses imported from the *Dutch* and *French* Islands into *Rhode-Island*, *Massachusset's Bay*, &c. are distilled into Rum, and afterwards shipped by them to *Virginia*, *Carolina*, &c. and also to *Newfoundland* and the Coast of *Guiney*, that the Duty of one Penny or Three Half Pence Sterl. *per* Gallon be laid upon all Rum so shipped

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from *Rhode-Island, Massachuset's Bay, &c.* to any other Part whatsoever ; and in case that it is carried coastways to any of the other Colonies, without proper Vouchers of such Duties having been paid, the said Rum to be liable to Seizure in any of the Colonies into which the same is imported ; or if shipped to the Coast of *Newfoundland* or *Guiney*, without proper Certificates of the Duties having been paid, which may be examined into by his Majesty's Ships of War, in both such Cases the said Rum to be also liable to Seizure, with such further Penalties on the Master of the Ship as may be thought needful.

It

It is probable that a Law of this Nature and Tendency would have its due Effect; for, by lowering the Duties, it would not be the Interest of the People of *Rhode-Island*, &c. either to import Molasses, or ship Rum, distilled by them, without first paying the Duty, as it would thereby be in great Danger of being seized. It is further humbly conceived, that if the said Scheme be put in Execution, a very considerable Sum of Money may be raised, and applied for the general Benefit, Advantage, and Security of the *English* Colonies on the Continent of *America*, by

enabling them, with greater Ease, to erect Forts and make Presents to the *Indians* ; and if the Sum arising therefrom be fairly and duly accounted for, and proper Regulations introduced in the manner of accounting for his Majesty's Revenues in *America* ; and likewise that, by Act of Parliament, there be a further Fund established, by enacting that all Writings, Deeds, Instruments, or other Matters relating to the Law in the said Provinces shall be on Parchment or Stamp Paper, and that the Money arising therefrom be applied only to the Security and Advantage of the Colonies, it is

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conceived that a very large Sum would arise therefrom; even so as, under a just Application thereof, the Colonies would not be much longer burthensome to this Kingdom, in advancing Money for their Security and Enlargement.

But further to discover the Importance of our Colonies, and how much the Trade and Commerce of this Kingdom depends upon our protecting of them, and also upon a right Direction of their Trade and Commerce, it may not be improper to give a short Account of what is by many computed to be pretty near the gross Amount of our Trade
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and Commerce from the Islands, and from the Continent of *America*; but I do not offer the following State of our Trade, as a Matter that may be wholly relied upon.

The several Products of his Majesty's Sugar Islands consisting of Sugar, Rum, Molasses, Cotton, Pimento, Pepper, Ginger, Coffee, Mahogany, &c. exported to *Europe* and *America*, are computed at the Value or Sum of 1,670,000 *l.* Sterl. *per Ann.* besides the Trade in Negroes carried to the *Spanish* Settlements, and several other kinds of Merchandize from *Jamaica*, in Time
of

of War, amount to a great Sum.

The Freight, as computed in Time of Peace, amounts to 280,000 *l.* Sterl. and upwards. And in this Trade are annually employed 7000 Seamen, and upwards, besides a great Number of Sailors employed in the Intercourse the Islands have one with another ; and with the Continent of *America*.

The Produce of his Majesty's Colonies on the Continent of *America* and shipped to *Europe*, from *South* and *North Carolina*, *Virginia*, *Maryland*, *Pensylvania*,
New

New Jersey, New York, Connecticut, Massachusetts Bay, New Hampshire, and Newfoundland, chiefly consisting of *Rice, Corn, Pitch, Tar, Turpentine, Deer Skins, Furs, Tobacco, Walnut-Tree and other Timber; Masts, Yards, Fish, Oil, Ships built for Sale, &c.* are computed yearly to amount to the Value or Sum of 1,455,000 *l.* Sterl. and upwards.

And as many of those Commodities are bulky, and, in Proportion to their Value, do not lie in so little Room as those from the Islands, it is computed the Freight amounts to 360,000 *l.* Sterl.

Sterl. *per Ann.* and upwards, and that in the said Trade are employed 12,000 Seamen, or thereabouts.

The several Products of his Majesty's Colonies on the Continent of *America*, exported to the *English*, *French* and *Dutch* Colonies, and to *Africa*, which consist of Beef, Pork, Bacon, Fish, Flour, Biscuit, Corn, Tobacco, Tar, Lumber of several Sorts, Ironwork, Cabinet-ware, and Spirits distilled in the Northern Colonies, &c. are computed yearly to amount to the Value or Sum of 810,000 *l.* Sterl. and upwards.

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And as the Freight of several of the said Commodities amounts to above a Third of the Value, it is computed, that the said Freight amounts to 225,000 *l.* Sterl. *per Ann.* and upwards, and that in this Trade are annually employed 8000 Seamen, or thereabouts.

But altho' it appears by the above Calculations, that the annual Product of his Majesty's Colonies, including the Freight, which employs about 27,000 Seamen, amounts in the whole to 4,800,000 *l.* Sterl. *per Ann.* or thereabouts, yet a great Part of
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this Trade doth not center in *England*.

The Trade of the said Colonies, if directed in a right Channel, might be made of much greater Service to this Kingdom, in the Consumption of our Manufactures, than our Traffick to any other Part of the World, and the landed Interest in *England* would be more improved thereby, than by any other Branch of Trade whatsoever; as it is conceived that a great Distinction is to be made between that kind of Commerce, which is carried on by the Exchange of Foreign Commodities from one Country to

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another,

another, and that which arises from the Manufactures of this Kingdom ; for altho' one may enrich the Merchant and the publick Stock, yet the other doth not only enrich the Merchant and the Publick, but at the same Time employ the Poor, and consequently much improve the landed Interest. The Truth of which is fully evinced by observing the present State of the *Spanish* Nation ; for altho' the Merchants and the Publick Stock are often enriched there, by their Commerce in Foreign Merchandize, which they carry on, yet their landed Interest still remains very low and distressed. And the same Thing

Thing may also be observed of the Seven United Provinces of the *Netherlands*.

In Colonies, which always ought to have a Dependance on their Mother-Country, too much Care cannot be taken to prevent, nor too many Restrictions laid in the Way of their being supplied with Merchandize, and all other Things either for necessary Use or Luxury, from foreign Nations. For let the Increase and Growth of the said Plantations arise to any Degree whatsoever, yet while their Supply is procured in a wrong Channel, they will not be of that real Benefit, or Service
to

to this Kingdom, which they might be, by a right Direction of their Trade and Commerce.

One great Advantage the *French* have had over us, in extending their Settlements, and in gaining the *Indian* Nations, or Tribes of *Indians*, over to their Interest, hath (as is above observed) principally arisen from their having several Funds, not only appropriated, but duly applied, to the Uses of their Colonies in *America*; and as something of this Sort is absolutely necessary to be done, for the Safety and Protection of our Colonies,

Colonies, and also for extending our Settlements, it may, as is humbly conceived, be of Use to the Publick to treat briefly of that Subject; for if it should appear, upon Examination, that the Manner of accounting for his Majesty's Revenues hath not been properly regulated, and that by the present Course of Proceeding there may be an Opening left for many Incroachments upon the Crown, and upon the Subject, it will be highly necessary to look into this Matter, previous to the creating any new Funds in *America* for the Use of the Colonies.

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In order, therefore, to explain this Matter, it may be proper to take Notice of some of the Powers lodged in the Surveyor and Auditor General of the Plantations, *viz.*

By his Patent, dated the 16th of *October*, 1717, he hath full Power and Authority to inspect, examine, state, audit, and, with the Allowance, Authority and Consent of the Commissioners of the Treasury, to determine all and singular the Accounts of all such Rents, Revenues, Fines, Escheats, Forfeitures, Duties, and Profits whatsoever, for and during

ring such Time as he the said Surveyor and Auditor General shall well behave himself in his said Office.

And, to the End that the Office of Surveyor and Auditor General may be duly and rightly executed, his Majesty wills and commands that the said Auditor, by all lawful Means, do cause to be recovered and paid to the proper Officers, for the Use of the Crown, all such Rents, Revenues, Prizes, Fines, Forfeitures and Duties, &c. as are now, or shall be hereafter due or owing to the Crown, within the said Dominions in *America*. And to

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do and perform all and every such other Matter, Cause or Thing, in relation to the said Accounts and Revenues, which to the said Office and Place of Surveyor General, or any Auditors of our Exchequer in *England*, doth or may belong or appertain, as to Accounts and Revenues in *England*.

And his Majesty wills and commands the said Auditor and his Deputies to be obedient to, and to observe such Orders, Rules, and Directions as the Commissioners of the Treasury, or the High Treasurer, or Chancellor of the Exchequer for the
Time

Time being, shall from Time to Time direct and appoint.

And that the said Auditor do also from Time to Time offer and present to the Commissioners of the Treasury, or High Treasurer, &c. such Proposals and Observations, concerning his Majesty's said Duties or Revenues, as may any ways tend to improve the same.

And for the more effectual Execution and Performance of the Premises, the said Auditor is authorized, with the Consent and Allowance of the Commissioners of the Treasury, to appoint De-

puties, and other inferior Officers, for the better expediting the Duty of the said Office.

Whereupon it is proper to observe, that the Powers lodged in the Auditor General of *America*, and the Duty of his Office, are much the same with those of the Auditors of the Exchequer in *England*; and as it may be collected from several Acts of Parliament, and also from the Orders and Regulations formerly made in Council, extending the Power of the Lord High Treasurer, that the Kings of *England* reserved the Treasury and Exchequer in their own Hands; it is therefore

therefore most humbly conceived, that whatever comes under the View and Inspection of the Lord High Treasurer, ought of course to be brought into the Exchequer ; and altho' the Lord High Treasurer hath many special Powers vested in him, yet, as is humbly conceived, he is as much bound to act agreeably to the Rules established in the Court of Exchequer, as our Lord Chancellor, or any of our Judges in *Westminster Hall* are, to the Rules of their respective Courts : Which seems to be confirmed by the ancient Usage of the Court of Augmentations, before the same was annexed to the Exchequer,

quer, according to which the Staple of *Calais* and all other foreign Revenues, which were within the View of the Lord High Treasurer, were brought into the said Court.

But, to explain this Matter further, it is proper to mention the Duties incumbent on the Auditor or his Deputies in the Plantations ; namely,

They ought to give in Charge to the Receivers of his Majesty's Revenues in the Colonies respectively, a Schedule or Rent-roll of all the Money to be collected by them.

And

And then it becomes the Duty of the Receiver or Receivers to return to the Auditor or his Deputy a specifick Account, not only of the Persons from whom they receive any Money, for the Use of the Crown, but also in what Proportion they have paid, whether in Whole or in Part, and what remains due; and further to return a List of all such Persons as have not paid any Part or Proportion of the Chief Rents, or any other Revenues arising to the Crown, distinguishing the Places of their Abode. And when such Persons as are upon the Receiver's List are Non-residents,

or

or not to be found, from the Defects which have been in the Records, in such Case they are to be marked or dotted accordingly, that proper Steps may be taken thereupon to enforce the Payment of his Majesty's Revenues. And unless this Method is observed, the Receiver's Accounts cannot be properly checked.

And after the Receivers have observed the said Rules or Methods of Proceeding, then it becomes the Duty of the Auditor to make a brief Declaration of every of his Receivers Accounts, and to shew the last Year's Arrearages, for the Allowance or
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Disallowance of the Lords Commissioners of his Majesty's Treasury on that Head ; and, if this is omitted, the Auditors or the Receivers, as either are in Fault, are liable to be prosecuted, and to forfeit their Commissions.

But it hath been objected by some of the Receivers, that the Schedules or Rent-rolls delivered to them are very imperfect, and therefore they cannot comply with the Duty required from them: But this, when considered, will be found to be merely a Pretence ; for, admitting their Schedules or Rent-rolls to be imperfect, yet they have it in their

Q Power

Power to mark or dott such Persons Names as have not any Thing to pay, or are not to be found ; by which the Receivers may be properly checked in their Accounts ; but when this is not complied with, it is impossible to form any Judgment of the Arrearages, or to know whether the Receivers have fairly or fully accounted for the Money received by them.

The Receivers of the Crown in distant and foreign Colonies ought likewise to find Sureties in the Exchequer for their good Behaviour, and then Procefs would issue against them, if they did
not

not return their Accounts properly audited.

How far the above Regulations have been complied with, or whether the Receivers of his Majesty's Revenues in *America* have acted agreeably to their Duty, in regularly transmitting their Accounts Home to the Auditor, will appear by the Dates, and likewise by their Accounts. And whether the Auditor General hath had any Objection to the said Receivers Accounts, or endeavoured to correct the same, or laid the said Receivers Accounts before the Lords Commissioners of the Treasury, for

their Lordships Allowance or Disallowance of them, may be known by those who have the Power to examine into this Matter.

In *Virginia*, his Majesty's Revenues are collected in the same Manner, and in most Cases by the same Persons who are employed to collect the Provincial Taxes ; so that they are thereby obliged to pass the Accounts of the Revenues before the Governor and Council: And it is remarkable that in this Colony the Revenues of the Crown amount to near three Times as much as in all the other *English* Colonies

Colonies on the Continent of
America.

The Four one Half *per Cent.*
Duty, and all other Matters
relating to the Customs in *Ame-*
rica, are properly within the
Department of the Auditor of
the Imprests, and, as is humbly
conceived, ought to be likewise
brought into the Court of Ex-
chequer.

The mentioning the Form
which ought to be observed in
auditing and accounting for his
Majesty's Revenues in *America*,
may be of great Use to the
Publick, provided any new Funds
are

are established and made applicable to the Use of the Colonies. For as the foreign Revenues of the Crown were formerly brought into the Court of Augmentations, by Act of Parliament, the Reasons are equally strong for bringing the Revenues of the Crown in *America* into the Court of Exchequer, especially as all the Revenues of the Crown under the View of the Lord High Treasurer ought of course, as is observed above, to be brought into the Exchequer.

In 1739, his Majesty thought fit to appoint an Officer to supervise, inspect, and controul the Revenues

Revenues and Grants of Lands in the Provinces of *South* and *North Carolina*, and also to correct the Abuses which thro' Time had crept into the Records ; and the Motives for appointing the said Officer are mentioned in an Account of Quit-rents, dated the 25th of *February*, 1740, which was made out by Order of the Right Honourable the Lords Commissioners of his Majesty's Treasury, in Pursuance of an Address to his Majesty by the Honourable the House of Commons. But by the Opposition given to the said Officer, and the cruel Treatment he met with from those whose Conduct he was to inquire

inquire

inquire into, it had been happier for his Family that he had been deprived of his Life, than undertaken an Inquiry of so disagreeable a Nature, which in its Consequences hath deprived them of the Means of Support; and altho' this poor Man's Sufferings and Distresses arise principally from Causes which have a publick and general Tendency, yet it may with great Truth be asserted, that the most inveterate of his Enemies cannot bring any Proof against him, of his ever having in the least deviated from his Duty to the Crown, or in any respect acted so as to oppress or injure

jure any of his Majesty's Subjects in the said Colonies.

But to resume the Subject :
 The Care and Vigilance of the *French*, in not only putting their Colonies into a Posture of Defence, but also into a Capacity of being very formidable, calls loudly upon us to give the utmost Attention to the Affairs of *America* ; for altho' we have many natural Strengths, yet if those Strengths are not properly exerted, they will not avail us; or keep us from Surprise ; nor can we in any Event whatsoever hope for Success, until we have a regular and orderly Method of Proceeding

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ceeding in Business, which is the only true Parent of Success.

As the *French* have a regular System, or Plan of acting, and steadily pursue their Schemes, by looking into their Course of Proceeding a tolerable Judgment may be made of what they intend to do, even some Years before they have ripened their Schemes for Action; and, with respect to their present Designs, it may, on good Grounds, as is humbly conceived, be conjectured, that the principal Object of *France*, on the Continent of *America*, is so to extend their Lines, as to include most of our friendly
Indians

Indians within their Bounds, which they will in a great Measure have effected when they take the *Upper* and *Lower Cherokees* and *Creek Indians* within their Lines.

The *Iroquese*, or Five Nations, are at present much checked, and in many Respects prevented from assisting us, by the *French* having built *Crown Point*, and *Niagara*; which makes it unsafe for the said *Indians* to go at any great Distance from their Townships, either in War or in Hunting: And if the *French* in like manner build Forts to the Southward, they will include the *Up-*
R 2 *per*

per and *Lower Cherokees*, and *Creek Indians*, and thereby not only engross the Fur Trade, but also endanger the Safety of all our back Settlements.

Now even admitting the *French* make but a faint Resistance against us next Summer, in the Recovery of the Fort and Ground we lost upon the River *Ohio*, yet if they are left in Possession of *Crown Point* and *Niagara*, and also of the Fort they formerly built at *Bœuf River*, which is a Branch of the *Ohio*, and so continue their Lines to include the *Southern Indians*, which they are now enabled to do by the Cannon we lost
on.

on attacking them at the *Ohio*, we shall be little or no Gainers by what we may recover there, as the *French* would still have most of the *Indians* included within their Bounds, and at the same Time have it in their Power so to employ them, as to distress, or indeed utterly destroy, any Settlement we may hereafter attempt to make at the *Ohio*. Therefore if the *French*, by their Intrigues and Address, can make us rest satisfied with the Appearance of a Conquest, which will not in any Respect be of Service to us, they will only amuse us by false Hopes and Pretences, engross the *Indian* Trade, and in the

End

End leave all our back Settlements exposed to the cruel Ravages and Plunder of the *Indians*.

And, on the other Hand, if we hastily pursue vigorous Measures in the Recovery of the Territories which of Right belong to us in *America*, and yet do not first regulate our Course of Proceeding with respect to the Affairs of our Colonies, and also build Forts for the Security of our Frontier Settlements, and as a Place of Retreat to our Troops and to our Friendly Indians, it is too much to be feared, that all the Blood and Treasure we may employ to that End will not have the

the desired Effect, and that our acting at this critical Juncture either too remissly, or too precipitately, may be the Means of drawing on a Train of evil Consequences, which in the End may prove destructive to this Kingdom.

Another Object the *French* have in View is, to give us full Employment on the Continent of *America*, that, in Case of a War breaking out, they may be more at Liberty to attack our Islands in the *West Indies*, which, it is said, they have in View, and that they are now providing Stores of Arms

Arms and Ammunition at *Martinico*.

The Intrigues of the *French* in the *East Indies* are likewise very alarming, and their Views and Designs in *Germany* and *Holland* may be also discovered; so that, if I am not much mistaken, there never was a Time which called more loudly or more importunately upon us, to take a View of our own immediate Concerns, and so to regulate them as to free us from all Surprise, whenever it may be found necessary to exert ourselves in Defence of our Trade and Settlements. And, as is most humbly conceived, this Matter cannot

cannot with Safety admit of Delay, as we may be led into many and great Inconveniences thereby, and, from the active and vigorous Conduct of *France*, be utterly unable to repair the Loss of our Trade and Settlements, which in the End may prove destructive to us, by cutting off all the Channels of our Supply, and consequently render us unable to support the Weight of heavy Taxes, or to make any considerable Struggle against the ambitious Views of *France*, in making herself the Umpire of *Europe*.

And altho' we have a Fleet
greatly superior to *France*, it is
S considered,

to be considered, that she hath it in her Power to alarm us in different Quarters of the World, and so to divide and draw off our Strength, in the Protection of our Trade and distant Settlements, as to leave us too much exposed at Home. Yet, notwithstanding the Consideration of those Matters is really alarming, it is still in our Power, if we do not delay the Season, to put our Affairs into such a Posture as to defy all the secret and open Attempts of *France* against us. But, as is humbly conceived, this can only be done by having a regular uniform Course of Proceeding, which may be the Means of

saving

saving us immense Sums of Money, that have been too often profusely employed, at improper Times, to regain what we have lost by our Mistakes and Inadvertencies. The Truth of which may be evinced by examining into our Conduct for upwards of twelve Years before the last War with *Spain*, and also the Measures we have pursued since that Time in relation to *America* : All which Mistakes, and the vast Expence attending them, might have been avoided, provided we had had a regular uniform Course of Proceeding, and also had Funds applicable to the Use of *America*.

Therefore it is most humbly hoped, that some Attention will be given to the several Matters which have been hinted at in the Course of this Essay: That it will be thought for the Service of the Crown and of the Subject, to regulate the Offices so as to bring every Matter of Importance to the View of the Crown: That it will be thought necessary, for the Support of our Trade and distant Settlements, to establish some new Funds applicable only to the Use of *America*: That it will be thought for the Security of his Majesty's Subjects in *America*, and also for the Protection of our Trade and Settlements, to erect
 Forts

Forts near to the Five *Indian* Nations, to the *Upper Cherokeees*, and to the *Creek Indians* ; and also that it will be thought for the Service of this Kingdom, to put our Islands into a Posture of Defence : And lastly, that the Importance of those Matters may be judged worthy of the Attention of those in whose Power it is to defeat the secret Designs of our Enemies.

I pray Leave further to observe, that if the Genius of the great *Sully* prevails amongst the great Personages who have the Direction of our Publick Concerns, there has nothing been offered which can possibly give Offence, and that

that the Prosecution of my Design to treat of the System of our great Boards at Home, upon the Knowledge of which much depends, cannot draw their Resentment upon me ; but if, contrary to my Expectation, any Person in Power takes Offence at my Conduct, I humbly hope that on due Reflection they will change their Sentiments. And that such of our young Senators, who may take the Trouble to read this Discourse, will be pleased to accept of my Endeavours to explain to them the System of our *American* Offices, from which great Advantages may arise to this Kingdom in the future Conduct of our Affairs.

F I N I S.



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